IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1591 OF 2007

Mr.Arvind @ Pappu Dharamraj Sukhla .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Mr.Tarun Kumar Sinha for the petitioner.

Mr.A.R.Patil, A.P.P. for the respondent.

CORAM : R.M. SAVANT, J.

(VACATION JUDGE)

DATE : 14th MAY, 2007.

P.C.:

1. This is an application for anticipatory bail. The applicant and his brother Jitendra Sukhla were working with the complainant's firm, namely, M/s.Panchdatu Metal & Wires Pvt. Ltd. The applicant was working with the complainant as Marketing Executive and was entrusted with an amount of Rs.2.00 lacs, which was to be disbursed by the applicant on behalf of the firm to the traders to whom the present firm owed the amount. The applicant was also asked to collect money from various parties which were due to the firm. The applicant accordingly collected an

amount of Rs.1,14,393/-. The amount of Rs.2.00 lacs was handed over to the applicant by the complainant on 10th January, 2007. The applicant since that date has absconded. The offence under Section 408 came to be registered against the applicant and his brother. The police have recovered an amount of Rs.70,000/- from the post office at the native place of the applicant. This, prima-facie proves the complicity of the applicant in the offence. The applicant was granted interim anticipatory bail vide order dated 4th May, 2007 by this Court which was upto today.

2. The learned A.P.P. submits that the interim bail was granted to the applicant, as the learned counsel for the applicant had made a statement before the Court that the applicant would make good the disputed amount. On being queried, the learned counsel for the applicant disputed the said position and submits that the applicant is not in a position to deposit the said amount and in fact disputes the liability itself. Looking to the fact of the case and the recovery effected by the police, I am of the view that no case for grant of anticipatory bail is made out. The application is accordingly rejected. The applicant is granted three days time to surrender.

(R.M. SAVANT, J.)